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Port of Oakland

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERRY BROWN,

Plaintiff,

vs.

PORT OF OAKLAND,

Defendant.

Case No. C 08-02358SI

**NOTICE OF MOTION AND MOTION TO
DISMISS PURSUANT TO FED. R. CIV. P.
12(b)(6); AND IN THE ALTERNATIVE,
MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56(c)**

Date: July 25, 2008
Time: 9:00 a.m.
Courtroom: 10 – 19th Floor

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 25, 2008 at 9:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 10 of the above-entitled court, located on the 19th floor at 450 Golden Gate Avenue, San Francisco, California, Defendant the Port of Oakland will move, and hereby so moves, for an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiff Terry Brown's Complaint on the ground that the Complaint fails to state a claim upon which relief can be granted. In the alternative, Defendant will move, and thereby so moves, for an order, pursuant to Fed. R. Civ. P. 56(c), granting summary judgment in favor of Defendant on the grounds that no genuine issue of material fact exists in this matter.

Said motions shall be based upon this notice of motion and motion, the Memorandum of Points and Authorities in support thereof, all pleadings, documents and records on file with the

1 Court, and such other and further oral and documentary evidence as may be presented to the
2 Court prior to, or at the time of the hearing on this matter.

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4 Dated: June 20, 2008

Wendel, Rosen, Black & Dean LLP

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6 By: /s/ Edwin J. Wilson, Jr.

7 Edwin J. Wilson, Jr.
8 Attorneys for Defendant
9 Port of Oakland
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